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## EXAMINER'S AMENDMENT AND COMMENTS

1. Request for continued examination (i.e., R.C.E.) under 37 C.F.R. §1.114, including the fee set forth in 37 C.F.R. §1.17(e), was filed in this application on 28 October 2009 after a Final rejection mailed 28 April 2009. Since this application is eligible for continued examination under 37 C.F.R. §1.114, and the fee set forth in 37 C.F.R. §1.17(e) has been timely paid, the finality of the previous Office action mailed 28 April 2009 has been withdrawn pursuant to 37 C.F.R. §1.114. Accordingly, an R.C.E. has been established and the action on R.C.E. follows.

### Informal Matters

2. Applicants' response, amendments and remarks filed 28 October 2009 to the Final Office Action mailed 28 April 2009 is acknowledged and entered.
3. Also acknowledged, entered and considered is the Declaration under 37 C.F.R. §1.132 from Robert C. Reynolds. Said Declaration was filed 28 October 2009

### Claims Status

4. Claims 1-26, 30-31 and 36-42 have been cancelled.
5. Claims 27-29 and 32-35 are currently pending and are examined on merits.

### Priority

6. In view of Applicants' arguments and the evidence provided in the remarks filed 28 October 2009 (See Applicants' Remarks filed 28 October 2009, Page 4, Line 8 to Page 5, Line 30); benefit of priority is hereby granted to the filing date of the U.S. Provisional Application Number 60/393,080 filed 02 July 2002.

### Withdrawn Rejections

7. In consideration of Declaration under 37 C.F.R. §1.132 from Robert C. Reynolds and Applicants' remarks and amendments filed 28 October 2009, Examiner hereby withdraws the following rejection in the Office Action mailed 28 April 2009:
- Obviousness rejection of Claims 27-29 and 32-35 under 35 U.S.C. §103 (a) over combined teachings from White et al., (2000. Slow Polymerization of *Mycobacterium tuberculosis* FtsZ, Journal of Bacteriology, Volume 182, Pages 4028-

4034, Cited in Applicants' IDS filed 07/05/2007) in view of White et al (2002, 2-Alkoxy carbonylaminopyridines: inhibitors of *Mycobacterium tuberculosis* FtsZ, Journal of Antimicrobial Chemotherapy, Volume 50, Pages 111–114, i.e., White et al'2) and further in view of Johnson et al (US Patent 6,319,958 B1).

### Examiner's Amendment

8. An Examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicants, an amendment may be filed as provided by 37 C.F.R. §1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

Authorization for this Examiner's amendment was given in a telephone interview on 16 November 2009 with Mr. Richard S. Echler, Applicants' Representative.

#### In the Claims:

Please amend the following claims in the application:

#### Listing of Claims:

1-28. (Canceled)

29. (Currently amended) The method of claim [[28]] 43, wherein the bacterium is a Gram positive bacterium and said bacterium ~~is selected from the group consisting of:~~ *Mycobacterium (M.) tuberculosis, M. bovis, M. typhimurium, M. bovis strain BCG, BCG substrains, M. avium, M. intracellulare, M. africanum, M. kansasii, M. marinum, M. ulcerans, M. avium subspecies paratuberculosis, Staphylococcus aureus, Staphylococcus epidermidis, Staphylococcus equi, Streptococcus pyogenes, Streptococcus agalactiae, Listeria monocytogenes, Listeria ivanovii, Bacillus (B.) anthracis, B. subtilis, Nocardia asteroides, and other Nocardia species, Streptococcus viridans group, Peptococcus species, Peptostreptococcus species, Actinomyces israelii and other Actinomyces species, and Propionibacterium acnes.*

Claims 30-31 Canceled.

32. (Currently Amended) The method of Claim [[27]] 43, wherein the compound is linked to a permeability enhancer, wherein the permeability enhancer allows the compound to cross the cell envelope of the bacterium.

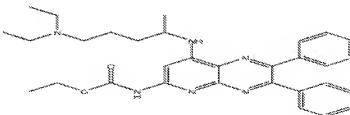
33. (Previously Presented) The method of Claim 32, wherein the permeability enhancer is selected from the group consisting of polymyxin B, surface active agents, defensins, other membrane active peptides and chelating agents.

34. (Currently Amended) The method of Claim [[27]] 43, further comprising contacting the bacterium with a permeability enhancer.

35. (Original) The method of Claim 34, wherein the permeability enhancer is selected from the group consisting of polymyxin B, surface active agents, defensins, other membrane active peptides and chelating agents.

Claims 36-42 Canceled.

Claim 43 (New) A method of inhibiting FtsZ polymerization in a bacterium comprising contacting the bacterium with an effective amount of a compound with following structure:



### Conclusion

9. Claims 29, 32-35 and 43 are allowed.

10. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Examiner Kailash C. Srivastava whose telephone number is (571) 272-0923. The examiner can normally be reached on Monday to Thursday from 7:30 A.M. to 6:00 P.M. (Eastern Standard or Daylight Savings Time).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Manjunath N. Rao can be reached at (571)-272-0939 Monday through Thursday 8:30 A.M. to 5:30 P.M. and on Fridays between 7.30 A.M. to 4.30 P.M. The fax phone number for the organization where this application or proceeding is assigned is (571)-273-8300.

Any inquiry of a general nature or relating to the status of this application or proceeding may be obtained from the Patent Application Information Retrieval (i.e., PAIR) system. Status information for the

published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (i.e., EBC) at: (866)-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/ Kailash C Srivastava/  
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